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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/045,303
Filing Date: October 29, 2001
Appellant(s): STEPHENS, JAMES H.

Bradley D. Lytle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/26/2008 appealing from the Office action mailed 05/12/2008.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences that will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The appellant's statement of the status of amendments contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6505244 B1	Natarajan et al.	9-2000
US 7171475 B2	Weisman et al.	11-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 5-6, 11-13, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan et al. (US 6505244 B1), hereinafter referred as Natarajan, in view of Weisman et al. (US 7171475 B2), hereinafter Weisman.

   a. Natarajan shows (claim 1) a method for modeling video conferencing network reliability (column 2, line 15-22: implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application), the method comprising: obtaining historical data for multiple video conferences (Fig. 17, item 1706: reports respective number of packets dropped to data store, 1722: wait specified time interval; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 30, lines 44-55; reports respective number of packets dropped to data store; column 31, lines 6-12: feedback resumes at 1706; column 30, lines 48-57: quality monitor may

wait for a specified time interval before re-evaluating the CIR policy); storing said historical data in a call history table (Fig. 2 and 15; column 7, lines 12-43; column 25 line 27-column 26-line 48: feedback-based adaptive network, report network information to a centralized data storage entity); executing a modeling algorithm that produces a model representing the historical data (Fig. 17, item 1718 and 1720: evaluate effectiveness of current policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application), which includes executing a decision tree algorithm (column 14, lines 5-50; column 15, lines 1-37: decision tree); analyzing the model to identify characteristics associated with undesirable outcomes for the video conferences (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and

implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application); configuring a video conferencing network to avoid at least one of the identified characteristics associated with undesirable outcomes (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application); and conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 29, line 37-column 30, line 33: video conference application). Natarajan does not explicitly show (claim 1) said

historical data including video conferencing equipment vendor or model identification information. However Natarajan does show (column 5, lines 38-53) network elements may be owned and/or managed by different service providers and (column 14, lines 20-32) a network equipment may be manufactured by different vendors.

b. Weisman shows (column 42, lines 42-46) using UPnP to implement logical device for discovery, description, control, event management and presentation; and (column 43, lines 33-37) UPnP description includes vendor-specific information like model and manufacture information in an analogous art for the purpose of providing a device hosting framework.

c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Natarajan's functions of policy engine which supports application specific plug-ins for enforcing policies in a feedback-based, adaptive data network with Weisman's functions of using UPnP for device description, control and event management.

d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to distinguish network elements from different vendors with different model information as per Weisman's teaching in modeling and analyzing video conference performance Natarajan (column 29, lines 38-58: feedback-based adaptive video conference application) and Weisman (column 26, lines 32-52: video conference system; column 42, lines 42-46: using UPnP to discover, describing, control, event managing and presentation)'s teaching.

e. Regarding claim 5, Natarajan shows further comprising: updating the historical data to create new historical data that includes values representing characteristics of the new video conference (Fig. 15; column7, lines 12-43: feedback-based adaptive network, report network information to a centralized data storage entity; Fig. 17, item 1706: reports respective number of packets dropped to data store, 1722: wait specified time interval; column 30, lines 44-55; reports respective number of packets dropped to data store; column 31, lines 6-12: feedback resumes at 1706); executing the modeling algorithm to produce a new model representing the new historical data (Fig. 17, item 1718 and 1720: evaluate effectiveness of current policy; column 31, lines 6-12: feedback resumes at 1706; column 30, lines 48-57: quality monitor may wait for a specified time interval before re-evaluating the CIR policy); analyzing the new model to produce a result (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level); and reconfiguring the video conferencing network according to the result (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level).

f. Regarding claim 6, Natarajan shows further comprising: evaluating the model to determine whether the model provides a desired level of efficacy (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level); and in response to determining that the model does not provide a desired level of efficacy, using a different modeling algorithm to produce a different model (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 30, lines 48-57: quality monitor may wait for a specified time interval before re-evaluating the CIR policy).

g. Regarding claim 11, Natarajan shows a computer storage medium (claim 9: computer readable medium having computer code) storing instructions, which when executed by a computing device, cause the computing device to perform functions comprising: obtaining historical data for multiple video conferences (Fig. 17, item 1706: reports respective number of packets dropped to data store, 1722: wait specified time interval; column 30, lines 44-55; reports respective number of packets dropped to data store; column 31, lines 6-12: feedback resumes

at 1706; column 30, lines 48-57: quality monitor may wait for a specified time interval before re-evaluating the CIR policy); storing said historical data in a call history table (Fig. 2 and 15; column 7, lines 12-43; column 25 line 27-column 26-line 48: feedback-based adaptive network, report network information to a centralized data storage entity); executing a modeling algorithm that produces a model representing the historical data (Fig. 17, item 1718 and 1720: evaluate effectiveness of current policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks), which includes executing a decision tree algorithm (column 14, lines 5-50; column 15, lines 1-37: decision tree); analyzing the model to identify characteristics associated with undesirable outcomes for the video conferences (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level;

column 29, line 37-column 30, line 33: video conference application); configuring a video conferencing network to avoid at least one of the identified characteristics associated with undesirable outcomes (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application); and conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 29, line 37-column 30, line 33: video conference application). Weisman shows (column 42, lines 42-46) using UPnP to implement logical device for discovery, description, control, event management

and presentation; and (column 43, lines 33-37) UPnP description includes vendor-specific information like model and manufacture information.

h. Regarding claim 12, Natarajan shows wherein the functions further comprise: outputting results that reveal at least one of the opportunities for improving reliability of the video conferencing network (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks), such that a user can reconfigure the video conferencing network, based on the results, to improve reliability of the video conferencing network (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks).

i. Regarding claim 13, Natarajan shows wherein the functions further comprise: analyzing the model to identify the one or more opportunities for improving reliability of the video conferencing network (Fig. 17, item 1720, 1724, 1726,

1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks); and automatically reconfiguring the video conferencing network, based on the identified opportunities, to improve reliability of the video conferencing network (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level).

j. Regarding claim 16, Natarajan shows wherein the functions further comprise: updating the historical data to create new historical data that includes values representing characteristics of a new video conference (Fig. 15; column7, lines 12-43: feedback-based adaptive network, report network information to a centralized data storage entity; Fig. 17, item 1706: reports respective number of packets dropped to data store, 1722: wait specified time interval; column 30, lines 44-55; reports respective number of packets dropped to data store; column 31, lines 6-12: feedback resumes at 1706); executing the modeling algorithm to produce a new model representing the new historical data (Fig. 17, item 1718 and

1720: evaluate effectiveness of current policy; column 31, lines 6-12: feedback resumes at 1706; column 30, lines 48-57: quality monitor may wait for a specified time interval before re-evaluating the CIR policy); analyzing the new model to produce a result (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level); and reconfiguring the video conferencing network according to the result to improve reliability of the video conferencing network (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level).

k. Regarding claim 20, Natarajan shows a data processing system (column 14, lines 20-32: stand alone device) for modeling video conferencing network reliability (column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application), the data processing system comprising: one or more processing units (column 14, lines 20-

32: includes CPU); a computer storage medium storing instructions, which when executed by the one or more processing units, causes the one or more processing units to perform functions including (claim 9: computer readable medium having computer code): obtaining historical data for multiple video conferences (Fig. 17, item 1706: reports respective number of packets dropped to data store, 1722: wait specified time interval; column 30, lines 44-55; reports respective number of packets dropped to data store; column 31, lines 6-12: feedback resumes at 1706; column 30, lines 48-57: quality monitor may wait for a specified time interval before re-evaluating the CIR policy); storing said historical data in a call history table (Fig. 2 and 15; column 7, lines 12-43; column 25 line 27-column 26-line 48: feedback-based adaptive network, report network information to a centralized data storage entity); and executing a modeling algorithm that produces a model representing the historical data (Fig. 17, item 1718 and 1720: evaluate effectiveness of current policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks); and which includes executing a decision tree algorithm (column 14, lines 5-50; column 15, lines 1-37: decision tree); analyzing the model to identify characteristics associated with undesirable outcomes for the video conferences (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify

ineffective policy; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application); configuring a video conferencing network to avoid at least one of the identified characteristics associated with undesirable outcomes (Fig. 17, item 1708, 1710, 1712, 1714: notify and update network elements; column 2, line 15-43; implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 6, lines 49-65: provide a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; column 29, line 37-column 30, line 33: video conference application); and conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes (Fig. 17, item 1720, 1724, 1726, 1728: evaluate and identify ineffective policy; column 2, line 15-43; implementing a

feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; column 29, line 37-column 30, line 33: video conference application). Weisman shows (column 42, lines 42-46) using UPnP to implement logical device for discovery, description, control, event management and presentation; and (column 43, lines 33-37) UPnP description includes vendor-specific information like model and manufacture information.

Together Natarajan and Weisman disclosed all limitations of claims 1, 5-6, 11-13, 16 and 20. Claims 1, 5-6, 11-13, 16 and 20 are rejected under 35 U.S.C. 103(a).

(10) Response to Argument

In response to appellant's argument that "both Natarajan and Weisman do not disclose or suggest Appellants' historical data including conferencing equipment vendor or model identification information" (see 3rd paragraph on page 8 of current appeal brief filed).

1. Appellant quoted and argued thereon column 5, lines 38-53 of Weisman (see 4th paragraph on page 8 of current appeal brief filed). However as per close to bottom of page 5 of office action mailed on 05/12/2008 or toward the end of item a of subsection 1 of section 9, i.e. Grounds of Rejection, it is from column 5, lines 38-53 of Natarajan that examiner has quoted to show that network elements may be owned and/or managed by different service providers; from column 14, lines 20-32 of Natarajan it is shown that a network equipment may be manufactured by different vendors; and from column 29, line 37-column 30, line 33 of Natarajan, there shows an video conference application example. As per item b on page 6 of office action mailed on 05/12/2008, Weisman is brought in to show (column 42, lines 42-46) using UPnP to implement logical device for discovery, description, control, event management and presentation; and (column 43, lines 33-37) UPnP description includes vendor-specific information like model and manufacture information. As examiner has stated in item b of Response to Arguments in office action mailed on 05/12/2008:

> Natarajan shows in Abstract a feedback-based adaptive network (Fig. 2) wherein network elements report operating information relating to network conditions to a centralized data store; a policy engine analyzes the information for computing updated control information; the updated control information is fed back to

> network elements to affect the operation of network elements; the new or changed network element information is reported to the data store; the policy engine generates new or updated control information to affect the operation of network elements; the dynamic and automatic feedback control of network elements is provided to allow the network to adapt to changing conditions; events relating to changing conditions in the network may be reported using an event notification system; additionally the adaptive feedback-based network may include a network quality monitoring system for evaluating performance characteristics or other aspects of the network based upon predetermined standards or criteria; and if a particular characteristic of the network does not conform with the standards for a characteristic of the network, the policy engine may automatically modify and affect the network performance.

Natarajan seems to suggest the argued "historical data" relevant to different vendors and in combinatory with Weisman seem to obviously connect the "historical data" with vendor specific information.

2. Examiner has further reviewed item a of section 8, Response to Arguments in office action mailed on 05/01/2007. Applicant has raised an similar arguments as per Amendment filed on 02/06/2007. Item a is quoted as below:

> Applicant has alleged that Natarajan and Yates et al. (US 6330586 B1) do not disclose or suggest applicant's claimed limitations of "historical data referenced to video teleconferencing equipment vendor or model identification information as per applicant's specification in line 30 on page 7 to line 22 on page 8 and Figs

3-5". Examiner has reviewed applicant's cited reference in the specification. The specification disclosed a data structure of a data record containing vendor or model identification information. Per Background of the Invention in lines 11-19 on page 2 in applicant's specification, video network devices may come from different vendors. There is no further description on how the vendor and model information would be used in applicant's claimed invention. It is obvious to a person of ordinary skill in the art of network management at the time of the invention was that it must be necessary to identify one network equipment with its origin and specific function, i.e. manufacture and equipment name as per applicant's background information suggested and Yates has also shown (column 5, line 67-column 6, line 12) in similar situation that it is critical to identify vendor and service origin information for service management functions.

In response to appellant's argument that "Natarajan does not disclose or suggest Applicants' obtaining historical data for multiple video conferences, and storing this multi-conference historical data in a call history table" (see 3rd paragraph on page 9 of current appeal brief filed).

3. Natarajan has shown (Fig. 17, item 1706, column 30, lines 44-55) reporting respective number of packets dropped to data store; (Fig. 17, item 1722) waiting specified time interval; (column 2, line 15-43) implementing a feedback-based data network to automatically and dynamically monitoring characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; (column 31, lines 6-12)

feedback resumed at 1706; (column 30, lines 48-57) quality monitoring may wait for a specified time interval before re-evaluating the CIR policy; and (Fig. 2 and 15; column 7, lines 12-43; column 25 line 27-column 26-line 48) feedback-based adaptive network and reporting network information to a centralized data storage entity. These seem to suggest obtaining chronological of network as could be applicable to video conference (column 29, line 37-column 30, line 33).

In response to appellant's argument that "Natarajan does not disclose or suggest Applicants' steps of executing a modeling algorithm that produces a model representing the historical data, analyzing said model, and configuring a video teleconferencing network based on said analysis" (see 1st paragraph on page 13 of current appeal brief filed).

4. Natarajan has shown (Fig. 17, item 1718, 1720, 1724, 1726, 1728) evaluating effectiveness of current policy; (column 2, line 15-43) implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level; (column 6, lines 49-65) providing a network model to accommodate multi-variable nature of networks and implement a control scheme to collected network element information for management and control decision at network element level; and (column 14, lines 5-50; column 15, lines 1-37) policy decision tree; (Fig. 17, item 1708, 1710, 1712, 1714) notifying and updating network elements. Thus the feedback-based frame relay network per Natarajan seems to read upon the current argument.

5. Examiner has further reviewed item c of section 8, Response to Arguments in office action mailed on 05/01/2007. Applicant has raised an similar arguments as per Amendment filed on 02/06/2007. Item c is quoted as below:

> Applicant has alleged that Natarajan does not disclose or suggest applicant's claimed limitations of "executing a modeling algorithm that produces a model representing the historical data" in light of lines 1-7 on page 9 of applicant's specification and item 101 in Fig. 6. Examiner has reviewed the claimed limitation in light of applicant's recited references. There is no specific detail description how a particular algorithm is used in analyzing historical data. Examiner has further reviewed the cited Natarajan references in the claim rejection sections. Natarajan has shown (Fig. 17, item 1718 and 1720; column 6, lines 49-65; column 29, line 37-column 30, line 33) collecting packet drop reports, evaluating effectiveness of current policy in controlling number of packets dropped, administrative active monitoring and management policy in video conference applications.

6. Examiner has further reviewed item c of section 8, Response to Arguments in office action mailed on 05/01/2007. Applicant has raised an similar arguments as per Amendment filed on 02/06/2007. Item c is quoted as below:

> Applicant has alleged that Natarajan does not disclose or suggest applicant's claimed limitations of "executing a modeling algorithm that produces a model representing the historical data" in light of lines 1-7 on page 9 of applicant's specification and item 101 in Fig. 6. Examiner has reviewed the claimed

limitation in light of applicant's recited references. There is no specific detail description how a particular algorithm is used in analyzing historical data. Examiner has further reviewed the cited Natarajan references in the claim rejection sections. Natarajan has shown (Fig. 17, item 1718 and 1720; column 6, lines 49-65; column 29, line 37-column 30, line 33) collecting packet drop reports, evaluating effectiveness of current policy in controlling number of packets dropped, administrative active monitoring and management policy in video conference applications.

In response to appellant's argument that "Natarajan does not disclose or suggest Applicants' steps of step of conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes" (see 2nd paragraph on page 15 of current appeal brief filed).

7. Natarajan has shown (Fig. 17, item 1720, 1724, 1726, 1728) evaluate and identify ineffective policy; and (column 2, line 15-43) implementing a feedback-based data network to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by modifying selected network parameters in order to achieve a desired performance level. Natarajan seems to read upon the current argument.

8. Examiner has further reviewed item c of section 8, Response to Arguments in office action mailed on 05/12/2008. Applicant has raised an similar arguments as per Amendment filed on 02/07/2008. Item c is quoted as below:

Applicant has argued that Natarajan does not disclose or suggest analyzing and conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes" as per claim 1. Natarajan has shown in column 33, lines 34-43 that the frame relay policy monitors packets drops on links of the network and adjusts or modifies parameters on links in response to changing network conditions, i.e. configured to avoid at least one of the identified characteristics associated with undesirable outcomes. Natarajan has also shown in column 29, line 59-column 30, line 3 that the feedback-based network adapts to changing conditions in the network as a video conference is initiated. Thus the feedback-based frame relay network per Natarajan seems to adjust in response to changing conditions before, during and after a video conference service.

Additional arts are identified and disclosed in office action dated 05/12/2008, including:

a. Hales et al. (US 6288739 B1) Distributed video communications system
b. Yates et al. (US 6330586 B1) Reconfigurable service provision via a communication network
c. Grabelsky et al. (US 6678250 B1) Method and system for monitoring and management of the performance of real-time networks

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peling A Shaw

/Peling A Shaw/

Examiner, Art Unit 2444

February 18, 2009

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

Conferees:

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

/Paul H Kang/

Primary Examiner, Art Unit 2444